

**THE ROSEN LAW FIRM, P.A.**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ANTHONY PEPE, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

COCRYSTAL PHARMA, INC. F/K/A  
BIOZONE PHARMACEUTICALS,  
INC., ELLIOT MAZA, GARY  
WILCOX, JEFFREY MECKLER,  
GERALD MCGUIRE, JAMES  
MARTIN, CURTIS DALE, PHILLIP  
FROST, BARRY C. HONIG, JOHN  
STETSON, MICHAEL BRAUSER,  
JOHN O'ROURKE III, MARK  
GROSSMAN, BRIAN KELLER, AND  
JOHN H. FORD,

Defendants.

No.: 2:18-cv-14091-KM-JBC

**STIPULATION AND  
[PROPOSED] ORDER FOR  
FILING AN AMENDED  
COMPLAINT AND  
DEFENDANTS' RESPONSES**

CLASS ACTION

Lead Plaintiff Andrew Logie (“Plaintiff”) and Defendants Cocystal Pharma, Inc. (“Cocystal”) (f/k/a BioZone Pharmaceuticals, Inc., “BioZone”), Elliot Maza, Gary Wilcox, Jeffrey Meckler, Gerald McGuire, James Martin, Curtis Dale, Phillip Frost, John O’Rourke III, Mark Groussman, and John H. Ford (the “Stipulating Defendants”), by and through their undersigned counsel, hereby agree and jointly propose this stipulation regarding Plaintiff’s filing of an amended complaint and the Stipulating Defendants’ responses thereto.

WHEREAS, on September 20, 2018, this action was commenced by the filing of a complaint by Anthony Pepe, asserting claims under Sections 9(a) and (f), 10(b), 20(a), and 20(b) of the Securities Exchange Act of 1934, on behalf of a putative class of purchasers of Cocystal and/or BioZone securities (the “Initial Complaint”);

WHEREAS, this action is subject to the Private Securities Litigation Reform Act of 1995, including the provisions therein regarding the appointment of a lead plaintiff and approval of lead plaintiff’s counsel and staying all discovery until the Court has ruled on Defendants’ motion(s) to dismiss the operative complaint;

WHEREAS, on November 19, 2018, Plaintiff filed a motion for appointment as Lead Plaintiff, and for approval of The Rosen Law Firm, P.A. as Lead Counsel (Dkt. No. 6);

WHEREAS, on December 19, 2018, the Court entered an Order (Dkt. No. 10)

whereby (1) counsel for Defendants Cocystal, Wilcox, McGuire, and Martin (the “Cocystal Defendants”) agreed to accept service of the Initial Complaint on behalf of the Cocystal Defendants; (2) the Cocystal Defendants were not required to respond to the Initial Complaint; (3) Lead Counsel and counsel for all defendants who have appeared or been served agreed to confer within 14 days of an order appointing Lead Plaintiff regarding a schedule for an anticipated amended complaint and Defendants’ responses thereto; and (4) the parties agreed to file a stipulation and proposed order within 21 days of an order appointing Lead Plaintiff seeking the Court’s approval of the agreed-upon schedule;

WHEREAS, on April 9, 2019, the Court issued an order granting Plaintiff’s motion and appointing Plaintiff as Lead Plaintiff, and Plaintiff’s counsel as Lead Counsel (Dkt. No. 12);

WHEREAS, Plaintiff anticipates filing an Amended Complaint;

WHEREAS, the Stipulating Defendants anticipate moving to dismiss the Amended Complaint;

WHEREAS, Plaintiff and the Stipulating Defendants agree that it would serve the interest of judicial economy for the Stipulating Defendants not to be required to answer, move to dismiss, or otherwise respond to the Initial Complaint;

WHEREAS, counsel for Plaintiff and counsel for the Stipulating Defendants

conferred on April 11, 2019 regarding a schedule for Plaintiff to file a superseding Amended Complaint and for the Stipulating Defendants to respond to the Amended Complaint;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, the Stipulating Defendants, and their respective counsel, subject to approval of the Court, that:

1. The Stipulation and Order entered by the Court on December 19, 2018 (Dkt. No. 10) is superseded by this Stipulation and Order.
2. Counsel for Plaintiff and counsel for the Stipulating Defendants will confer with counsel for the defendants who have not yet appeared in this action within 14 days of counsel appearing for such defendants, regarding the application of this schedule.
3. The Stipulating Defendants hereby agree to accept service of the Initial Complaint through their undersigned counsel, but each of the Stipulating Defendants expressly reserves all rights, defenses, or other objections (other than insufficient process or insufficient service of process).
4. The Stipulating Defendants shall not be required to answer, move to dismiss, or otherwise respond to the Initial Complaint.
5. Plaintiff shall file his Amended Complaint within 60 days of the Court

so ordering this Stipulation.

6. On or before 60 days following the filing of the Amended Complaint, the Stipulating Defendants shall answer, move to dismiss, or otherwise respond to the Amended Complaint; and

7. If the Stipulating Defendants move to dismiss the Amended Complaint, (i) Plaintiff shall file his opposition(s) on or before 45 days after the Stipulating Defendants file their motion(s), and (ii) the Stipulating Defendants shall file their reply brief(s) on or before 30 days after Plaintiff files his opposition(s).

Dated: April 23, 2019

Respectfully submitted,

**THE ROSEN LAW FIRM, P.A.**

**PERKINS COIE LLP**

/s/ Laurence M. Rosen

/s/ Jeffrey D. Vanacore

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*Attorneys for Defendant John H. Ford*

**[PROPOSED] ORDER**

Pursuant to stipulation, it is SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Kevin McNulty, U.S.D.J.



**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of April, 2019, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Laurence M. Rosen